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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,611	05/31/2001	Scott J. Broussard	AUS920010269US1	1777
35617	7590	02/10/2004		
CONLEY ROSE, P.C. P.O. BOX 684908 AUSTIN, TX 78768			EXAMINER BONSHOCK, DENNIS G	
			ART UNIT	PAPER NUMBER
			2173	3

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/870,611

Applicant(s)

BROUSSARD, SCOTT J.

Examiner

Dennis G Bonshock

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 10-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-9, 20, and 21, drawn to a system for generating either a default image or an image that is user-definable, classified in class 345, subclass 746.
  - II. Claims 10-13, drawn to an operating specific Look and Feel, classified in class 345, subclass 762.
  - III. Claims 14-19, drawn to an application specific Look and Feel with globally definable settings, classified in class 345, subclass 765.
2. Inventions of group I and group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group I has separate utility such as having the ability to generate images from different APIs, from that claimed in group II. See MPEP § 806.05(d).
3. Inventions of group I and group III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group I has separate utility such as not having the globally definable settings, from that claimed in group II. See MPEP § 806.05(d).
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II and Group III, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Kevin L. Daffer, on January 22, 2004, a provisional election was made with traverse to prosecute the invention of Scott J. Broussard, claims 1-9, 20, and 21. Affirmation of this election must be made by applicant in replying to this Office action. Claims 10-13 and 14-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

#### ***Claim Objections***

7. Claims 4-6 objected to because of the following informalities: the term "application program" is referred to and it is unclear whether this is referring to the "(first) application program", the "second application program", or both in general. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-9, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewallen, Patent #6,675,230, and Fowler, *Mixing Heavy and Light Components*.

10. With regard to claim 1, Lewallen teaches a display system, comprising: a display (see column 15, lines 47-53), a processor (see claim 25), an application program interface coupled to the display (see column 3, line 60 through column 4, line 6), a system in which more than one API can be used in an application program (see column 3, lines 32-40 and in column 10, lines 44-65), and a mapping between the APIs and the user interface (see column 5, lines 48-58 and column 9, lines 6-10). Lewallen mentions Java and the user of Swing and AWT, but doesn't teach the specifics of either. Fowler teaches a system of mixing two different APIs in an application program (see page 1, paragraph 2), similar to that of Lewallen, but further teaches the platform independent nature of Swing, in which it has it's own native look-and-feel (see page 2, paragraphs 1 and 4), and how the heavyweight component AWT is dependent on the operating system it borrows resources from (see page 2, paragraph 1). It would have been obvious to one of ordinary skill in the art, having the teachings of Lewallen and Fowler, that Swing having a native look and feel could provide a default image that is constant from operating system to operating system, and that AWT, being built at the client site using borrowed resources would have a look and feel custom (see page 36 and 37 of the specification) to that system. One would have been motivated to make such a combination because the system of using multiple APIs in a program, of Lewallen, is analogous to the system of using Swing and AWT APIs in a program, as did Fowler.

11. With regard to claim 2, which teaches the default image being generated during the first time in which the API is independent of the code in the OS, Fowler further teaches, Swing which is independent of the operating system (see page 2, paragraph

Art Unit: 2173

4), where the swing component pertains to the default image (or image that is constant from platform to platform).

12. With regard to claim 3, which teaches the user defined (custom to the system) image being generated during the first time, in which the application program interface is dependent of code within an operating system software, Fowler further teaches, AWT being the heavyweight component that is dependent on the operating system to borrow look-and-feel resources (see page 2, paragraph 1).

13. With regard to claim 4, which teaches a second application program, in which a software component can be evoked by either of the application programs, but may differ in it's look and feel, Lewallen further teach, in column 9, lines 6-10, that a second program exists to concurrently execute multiple mixed statement programs in a single browser or web page. These multiple programs differ in appearance as cited above in the rejection to claim 1.

14. With regard to claim 5, which teaches the application program running under an operating system and the look and feel of the displayed object being substantially independent of the operating system, Fowler further teaches, the operating system independence of Swing (see page 2, paragraph 1).

15. With regard to claim 6, which teaches the object being part of a graphical user interface associated with the application program, Lewallen further teaches, in column 10, lines 55-65, a user interface that is associated with the program.

16. With regard to claim 7, which teaches the application program being written in Java programming language, Lewallen further teaches, in column 3, line 55, extending the Java environment.

17. With regard to claim 8, which teaches the software component containing an instruction sequence to implement the specific look-and-feel of the displayed object, wherein said instruction sequence is executed only in response to the application program, Lewallen further teaches, in column 10, lines 44-65, components containing their own specific look-and-feel user interface elements that can be written to run as a standalone application program.

18. With regard to claim 9, which teaches the operating system comprising a computer operating system such as Windows, Unix, or OS/2, Lewallen further teaches, in column 9, lines 29-33, API mappings for Linux, Windows, OS/2, or any other supported operating system platform.

19. With regard to claim 20, Lewallen teaches a computer readable storage device, comprising: a windows-based operating system (see column 9, line 31), an application program running under the operating system (see column 3, line 67 through column 4, line 6), a system of software components evoked during runtime (see column 10, line 52), and a system in which more than one API can be used in an application program (see column 3, lines 32-40 and in column 10, lines 44-65). Lewallen mentions Java and the use of Swing and AWT, which provide a distinct look-and-feel from one another (see the section "Heavy vs. light: the differences" in Fowler), but doesn't teach the specifics of either. Fowler teaches a system of mixing two different APIs in an application

program (see page 1, paragraph 2), similar to that of Lewallen, but further teaches the platform independent nature of Swing, in which it has it's own native look-and-feel (see page 2, paragraphs 1 and 4), and how the heavyweight component AWT is dependent on the operating system it borrows resources from (see page 2, paragraph 1). It would have been obvious to one of ordinary skill in the art, having the teachings of Lewallen and Fowler, that Swing having a native look and feel could provide a default image that is constant from operating system to operating system, and that AWT, being built at the client site using borrowed resources would have a look and feel custom (see page 36 and 37 of the specification) to that system. One would have been motivated to make such a combination because the system of using multiple APIs in a program of Lewallen is analogous to the system of using Swing and AWT APIs in a program, as did Fowler.

20. With regard to claim 21, Fowler further teaches the use of the AWT API, which borrows screen resources from the system (see page 2, paragraph 1). It would have been obvious to one of ordinary skill in the art that if the operating system were OS/2 it would use OS/2s look-and-feel.

### ***Conclusion***

22. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach systems for using multiple APIs in the same application program.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G Bonshock whose telephone number is (703)

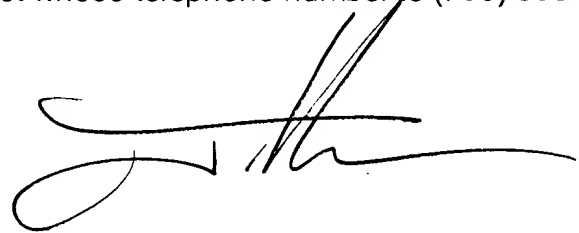


Art Unit: 2173

305-4668. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 5:00 p.m..

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

25. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read 'John Cabeca', with a large, stylized initial 'J' and a horizontal line extending to the right.

dgb

**JOHN CABECA**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**